

REMARKS

To date, the Examiner has not indicated that the subject matter of the information disclosure statement (IDS) filed January 30, 2002 has been properly considered. A copy of such IDS is submitted herewith. If the Examiner requires additional copies of any reference(s), applicant invites the Examiner to contact the undersigned. Documentation in the file wrapper of the instant application confirming the Examiner's consideration of the relevant reference(s) is respectfully requested. See MPEP 609D below:

"Applicants may wish to list U.S. patent application numbers on other than a form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

The Examiner has rejected Claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-28 of U.S. Patent No. 6,892,227. Applicant respectfully asserts that such rejection is overcome in view of the terminal disclaimer attached herewith.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

Commissioner is authorized to charge any additional fees or credit any overpayment to
Deposit Account No. 50-1351 (Order No. NAI1P062/01.304.01).

Respectfully submitted,
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